

From: [C](#)
To: [CELA](#)
Subject: MUR 7747
Date: Monday, June 29, 2020 10:22:37 AM

Dear Sirs

I have mailed the response with statement of designation by USPS.

I have noted your requests to email these so I shall attempt to do so now unfortunately I can only send these seriatum as I'm 70 and not technically profile in these age specific activities.

Chris Lynn

Sent from my iPhone

Christopher R. Lynn**Attorney at Law**

24-15 Queens Plaza North
Long Island City, New York 11101
(917) 385-0368

PERSONAL AND CONFIDENTIAL

June 30, 2020

Federal Elections Commission
Office of Complaints and Examination
1050 First Street, NE
Washington, D.C. 20463
Att: Kathryn Ross, paralegal

RE: MUR 7747
Conclusion

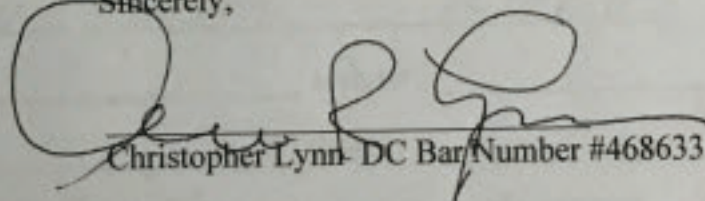
Dear Sirs:

As you are aware, I represent both The Campaign Committee and the Candidate, against whom a complaint which is captioned above, has been filed. Yesterday I used my iPhone to file my response, and inadvertently omitted the Conclusion which I enclose herein.

The case of *Orlowski v. FEC* 795 F.2d 156 is illustrative. In that decision the District Court held that a senior citizens picnic sponsored by a Congressional Candidate Ritter was a nonpolitical event, so that corporate donations to the event were not illegal. FEC Campaign Act of 1971 section 316(a) as amended. This case further held that "no action should be taken against the Committee or the Treasurer based upon established case law and interpretation of the Federal Election Campaign Act of 1971."

In the matter of the complaint filed against Diaz at al., the facts are that at each of the food distribution events the Rev., attended in his capacity as the head of a long established Ministers group, and did not display any campaign posters, literature etc., and not did he have any contact with the corporations who donated the food. Contrast those facts with the *Orlowski supra*, case, where Candidate Ritter had his campaign posters and labels and literature visible but not distributed, at the senior's picnic, where the food was donated. The Court held that was insufficient to demonstrate any violation of FEC, rules since no campaign contributions were solicited or accepted and no literature was distributed.

Sincerely,



Christopher Lynn - DC Bar Number #468633

The FEC defines an in-kind contribution as goods or services offered for free or at less than usual charge in an in-kind contribution. If for example a land lord offered the campaign, a space for a campaign office for free, the campaign would need to disclose that as an in kind contribution.

Fresh Direct has never had any communications with either Rev. Diaz or Diaz for Congress. There was no agreement between them, as to what foods or how much food would be donated and therefore, there exists no in-kind contribution made by Fresh Direct or anyone else to Diaz for Congress.

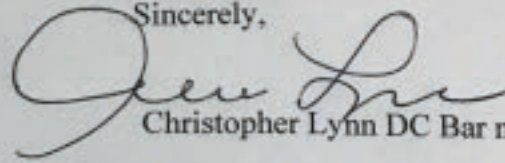
The complaint filed states that "Diaz Sr., is utilizing governmental events ...in a clandestine attempt...by leveraging unreported in-kind corporate contributions."

The argument advanced is that Diaz and his campaign, violated the law, by his volunteering at these events, to which he was invited by other elected officials, then not declaring the "fair market value" of the food which was donated by Fresh Direct. This is absurd and illogical. It assumes existence of a relationship and coordination between these food contributions and the Diaz for Congress campaign, this assumption is unsupported by facts or logic.

At every one of these food distributions events neither Rev. Diaz, nor his campaign distributed or in any manner publicized, his campaign for Congress.

The complaint filed reeks of paranoia and conspiracy theories. What is factually verifiable is that some private food companies have sought to help hungry impoverished New Yorkers and have been accused of campaign misconduct. Those receiving the food are probably thankful for their generosity. It's been written "Each one must give as he has decided in his heart, no reluctantly or under compulsion for God loveth a cheerful giver." 2 Corinthians 9:7

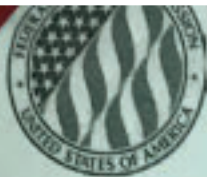
Sincerely,



Christopher Lynn DC Bar number

468633

Cc:



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

FAX 202-219-3923

AR/MUR/RR/P-MUR# 7747

Name of Counsel: Christopher R. Lynn

Firm: Christopher R. Lynn Attorney at Law

Address: 24-15 Queens Plaza North

Long Island City, New York 11101

Office#: _____ Fax#: _____

Mobile#: _____ DC BAR # 468633

E-mail: _____

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/28/20
Date

[Signature]
(Signature - Respondent/Agent/Treasurer)

Treasurer
Title

Andreina Cruz
(Name - Please Print)

RESPONDENT:

Rep. Ruben Diaz For Congress
(Please print Committee Name/ Company Name/Individual Name in Notification Letter)

Mailing Address:
(Please Print)

PO Box 229 Bronx, New York 10460

Home#: _____ Mobile#: _____

Office#: 347-760-0120 Fax#: _____

E-mail: rubendiazforcongress@gmail.com

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

Rev. 2018



FEDERAL ELECTION COMMISSION
1050 First Street, NE
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

EMAIL cela@fec.gov

FAX 202-219-3923

ARMUR/RR/P-MUR# 7747

Name of Counsel: Christopher R. Lynn

Firm: CHRISTOPHER R. LYNN ATTORNEY AT LAW

Address: 24-15 QUEENS PLAZA NORTH
LONG ISLAND CITY, NEW YORK 11101

Office#: _____ Fax#: _____

Mobile#: [REDACTED]

E-mail: [REDACTED]

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/29/00 _____ Candidate
Date (Signature - Respondent/Agent/Treasurer) Title
Rev. Ruben Diaz
(Name - Please Print)

RESPONDENT: Rev. Ruben Diaz For Congress
(Please print Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 1600 Metropolitan Ave # 1F
(Please Print) BRONX NEW YORK 10462

Home#: _____ Mobile#: [REDACTED]

Office#: _____ Fax#: _____

E-mail: [REDACTED]

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